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CENTRAL FAX CENTER**OCT 14 2005****FAX TRANSMISSION****DATE:** October 14, 2005**PTO IDENTIFIER:** Application Number 10/614,865-Conf. #8164
Patent Number**Inventor:** Fritz Gestermann et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Susan E. Shaw McBec

PHONE: (202) 331-7111**Attorney Dkt. #:** 22133-00005-US**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Restriction Requirement (with Traverse) (2 pages)
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Application No. (if known): 10/614,865

Attorney Docket No.: 22133-00005-US

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Response to Restriction Requirement (with Traverse) (2 pages)

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CENTRAL FAX CENTER**OCT 14 2005**Docket No.: 22133-00005-US
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Fritz Gestermann et al.

Application No.: 10/614,865

Confirmation No.: 8164

Filed: July 9, 2003

Art Unit: 1742

For: ELECTROCHEMICAL CELL

Examiner: H. D. Wilkins

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 15, 2005, applicant hereby provisionally elects claims 1-12 and 16 for continued examination, with traverse.

The Examiner has required restriction between claims 1-12 and 16, drawn to an electrochemical cell and electrode and claims 13-15 and 17-20, drawn to an electrolysis method.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Namely, under the *Ochiai* guidelines, products and their methods of manufacture and use are to get examined and allowed in the same application if the claims are of the same scope. In view of this requirement, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-20 presently pending in this application be examined together in the same application.

Application No.: 10/614,865

Docket No.: 22133-00005-US

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22133-00005-US from which the undersigned is authorized to draw.

Dated: October 14, 2005

Respectfully submitted,

By 

Susan E. Shaw McBee

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